

VOTERS MAY ASK FOR ANY TICKET

An Outrage to Compel a Man to Swear Allegiance to Any Party Says Attorney General West.

Oklahoma City, July 22.—In reply to an article in the Muskogee Times-Democrat, which represented him as ruling that an elector at the primary can vote only the ticket of the party under which he has registered, Attorney General Charles West today made a vigorous denial that such is his position and reiterates an opinion formerly given from his office to the effect that a voter can ask for any one ticket which he desires at the primary, regardless of past party affiliations or lack of affiliations, although he is of course restricted to voting for the candidates on the one ticket which he calls for.

The attorney general's ruling is of particular interest just as the present time because of the fact that a very large number of former republicans who are now supporting Theodore Roosevelt and the new progressive party have registered as independents. It has been announced in various places over the state that this would exclude them from voting at the primary inasmuch as there is no independent ticket in the field, but under the attorney general's construction of the law they may call for any ticket they want regardless of their registration.

The article which called forth the latest opinion from the attorney general was published in the Muskogee Times-Democrat Saturday evening.

The head lines stated that West held that an elector could vote only the ticket of that party under which he was registered while the body of the article without quoting him stated that such was the opinion of Ben Riley, secretary of the state election board, and that Attorney General West who was in the city, agreed with him.

In a letter to the editor of the Times-Democrat, Attorney General West says:

"I do not know what Mr. Riley's opinion may be, but mine is quite the contrary of the position stated. I think that when the elector presents himself to vote he, irrespective of past party affiliations, has the right to vote any one ticket he may call for."

The opinion already given to Representative G. W. Lewis along the same line, which was given considerable publicity at the time, is cited in full for the purpose of defining the attorney general's position more clearly and the paper is requested to correct the erroneous impression given by its former article.

Another opinion along the same line and of almost equal importance was given today by the attorney general to County Attorney J. A. Fain et al. in which he holds that precinct election inspectors are without authority to require an elector to make, or sign an affidavit that he will support the nominees of the party for whose candidates the elector may propose to vote at the primary.

"An attempt to enforce such a requirement," says the attorney general, "will be a serious criminal offense, and should be reported to me with full details as well as to the county attorney of the county in which the offense took place. I wish you would endeavor to learn who are the persons who caused the printing of the form you sent me and when and where it was done. We ought not to allow an outrage of this kind to be perpetrated."

GRANT VICTORS HOME ROBBED IN MUSKOGEE

Muskogee, Okla., July 23.—The home of U. S. Marshal Grant Victor was entered by a burglar some time Friday night. Most of the articles taken were old coins that had been gathered up by Mr. Victor, and were very highly prized by him more on that account than for their real value.

In the collection were several pieces of gold, one being a \$20 coin of the new design. The property was all taken from a small safe which was thought to have been locked.

The police think the money can be found and a description of the coins is being mailed out over the country. Anyone trying to pass the following

pieces of money is liable to meet with suspicion: Two \$2.50 old gold coins, one \$5 old gold coin, one \$10 and one \$5 gold coin of the new design and several old silver pieces in denominations of halves and dollars. Some silverware was also taken.

The Anti-Saloon Men Win Victory. Washington, July 22.—The anti-saloon interests won a victory in the judiciary committee today when Senator Cummins was authorized to report favorably a bill giving dry states power to intercept shipments of liquor from "wet" territory. The bill to be reported is a combination of the Kenyon bill much amended, and Senator Sanders' bill. The new measure will prohibit shipments of liquor where any person interested in them intends to violate a law of the state into which the shipment is made. The new bill would revise the existing Wilson law to meet a recent decision of the supreme court and make liquor interstate shipments conform to state laws.

NO CONFLICT IN ACCIDENT LAWS

The Supreme Court Holds That Railroads Must Report All Accidents.

Oklahoma City, July 24.—The federal and state laws requiring railroads to report all accidents are not in conflict according to an opinion by Justice Kane of the supreme court, handed down Tuesday. Neither is the state law requiring that railroads report such accidents to the corporation commission a restriction on interstate commerce. The opinion was given in the appeal of the Gulf, Colorado and Santa Fe railway company, from an order of the corporation commission fining the railroad company \$500 for failing to make a report to the commission within a specified time, on the derailment of a passenger train. After the appeal was filed, it was stipulated that the fine should be reduced from \$500 to \$1.

The order of the corporation commission was affirmed.

Another opinion which sustains the corporation commission was handed down in the appeal of the Atchison, Topeka and Santa Fe railway company from a fine of \$25, imposed by the corporation commission for failure to comply with an order to file a tariff on rates on fruits and vegetables in refrigerator cars. The opinion was by Justice Williams.

Other opinions handed down Tuesday are as follows:

By Justice Williams—W. H. Lawson et al. vs. Frederick Zeigler, McIntosh county, dismissed; William Banks vs. A. D. Clark, Tulsa county, dismissed; School district number 29, McClain county, vs. First National bank, McClain county, dismissed; W. A. Richardson et al. vs. Parker McConnell and company, Tillman county, affirmed.

By Justice Kane—The W. H. Ashley Silk company vs. Oklahoma Fire Insurance company, Oklahoma county, reversed and remanded; Consolidated School district number 1, Alfalfa county vs. School district number 24, Alfalfa county, reversed and remanded; W. F. Evans and St. Louis and San Francisco Railway company vs. C. S. Brown vs. Marget B. Brown, Oklahoma county, affirmed; State of Oklahoma vs. George M. Rader et al., Ellis county, reversed and remanded; Bank of Fairview vs. B. F. Martin and Emma Martin, Major county, affirmed; F. M. Snider vs. T. J. Perkins and R. T. Davis, Bryan county, affirmed; United States Express company vs. State of Oklahoma and J. A. Hyndman, appeal from order of corporation commission requiring appellant to maintain an uptown office in Hobart, affirmed.

By Justice Hayes—Nell P. Anderson et al. vs. B. W. McMahan et al., Jackson county, dismissed; Cherokee National bank vs. Union Trust company, Craig county, affirmed; International Bank of Bristol vs. Henry Bowser, Okmulgee county, reversed and remanded; City of Shawnee vs. State Publishing company, Pottawatomie county, dismissed; State of Oklahoma vs. D. W. Poor, Pottawatomie county, dismissed; George Harlow vs. Commissioners of Payne county, Payne county, reversed and remanded; Henderson Sturges Piano company vs. T. J. Smith, sheriff Pontotoc county, reversed; Tyler Commercial college vs. Alta Z. Stapleton, Logan county, affirmed; George Ferguson vs. A. C. McKee, Adair county, affirmed.



JAMES H. SYKES
Democratic Candidate for Congressman, From Third District of Oklahoma.

MURRAY'S WILSON BOOST STARTED WINNING MOVEMENT

Eastern Magazine Gives Oklahoma Leader Credit For the "Real Demonstration."

From outside Oklahoma come frequent and reputable assertions that the first real demonstration at the Baltimore convention—the first one that was not manufactured—was started by W. H. Murray, of Oklahoma. Thereafter the Wilson cause was accepted, and the Oklahoma opposition to Bryan and Wilson was seriously discredited. The Oklahoma honors undoubtedly fell on Murray as original Wilson leader.

The following is from an eastern magazine:

Oklahoma in the Baltimore Convention. In the press report of great events such as was the Baltimore convention, oftentimes "the kernel of the hickory nut is lost sight of either by lack of facilities for news gathering or because of personal favoritism of prejudice or policy of publication. Certainly is this true of a great convention which in some particulars superseded that of any other held in the past history of the Republic, either in the democratic or any other party. With two exceptions the highest number of ballots were cast in the Baltimore convention. Only in one other instance did a candidate receive a majority of the votes and fail to recover the necessary two-thirds. In no other instance was the candidate receiving the majority defeated by his nearest adversary. When it is made known that from the beginning Wilson had a majority of the delegates as a personal choice, however, tied by instructions and unit rules, but at no time was he the choice of two-thirds. On the day when Wilson received the high water mark of 601 votes he received every vote possible to obtain except from some outside pressure, then it was that his friends passed the word around that if Wilson was not nominated on the following day his majority would whip through a resolution relegating the question back to the people ordering a primary in every state in the union, in which event Wilson would withdraw and Bryan would be a candidate against the field, then it was the enemies of Bryan saw the possibility of his success, and although not desiring Wilson they accepted him as less objectionable than Bryan, knowing

that in the nation wide primary, Bryan would whip every state organization and state machine together with the interests and combinations of money and corporate politics that could be marshaled against him. This is the estimate placed upon the convention by an Oklahoma delegate, whom the eastern papers and delegates gave credit for much of the success of the Wilson contest for on the 9th day of July, Thos. C. Burke of Oregon, brother of Governor Burke of North Dakota gave the Chicago Inter-Ocean an interview in which he said: "There were strong political influences which do not stand for the good of the people in any particular, would have won control of the convention, but for the fight of Bryan."

In the early stages of the balloting, after Clark had received a majority of the votes and the stampee for him was at its height, an incident occurred which I believe affected the result. "Alfalfa Bill" Murray of Oklahoma, in a voice that could be heard above the tumult, declared when his state was called that he had nothing in common with the Tammany crowd and would not vote for anyone who had. Whereupon in the same voice, he cast ten votes for Wilson. Our state was next on the roll and the loyal Wilson men from Oregon went mad in a counter demonstration, as Oregon's vote followed Oklahoma's and checked the scramble for the Clark band wagon. This I believe bridged the crisis for, from that time on, Wilson steadily gained and Clark as steadily lost, although every inch of ground was then fought over with a determination that was intense."

Mr. Burke's statement is confirmed by the New York Daily Times in a column discussion of Tammany's fight and Alfalfa Bill's utterances in the convention. The Times goes on to say that when Murphy cast 90 votes for Clark, the Alfalfa Bill Murray speaking for Oklahoma got up on a chair and yelled that his delegation was split ten for Clark and ten for Wilson, that his delegation was tired, and wanted to go home. "I don't care how they vote but I do insist that Oklahoma will not join hands with Tammany Hall."

Alfalfa Bill's utterance brought out a perfect walpurgis dance. Noises in national conventions are usually organized and mechanical, but this one was genuine, real and electric. The organized and mechanical yells are

made to last an hour or two; this one could not last so long, but there was a quality or reality about it that made the machine-made demonstrations of greater length look like thirty cents. And what did this great uproar of enthusiasm mean? It meant disapproval of Tammany hall. These yelling thousands were trying to convey to each other the idea that they totally disapproved of the bargain between Chas. F. Murphy and his old enemy, William Randolph Hearst, and the shrieks and yells with which they tried to give utterance to this opinion beat anything this convention had yet seen for spontaneity, ferocity and deadly purpose."

"In the midst of it Bryan came down the aisle to take his seat in the Nebraska delegation," says the New York Times, "and the demonstration was redoubled and directed at him. The delegates split their throats. For several minutes they stood on their chairs making a din which put every other noise heard in the convention into the whisper class."

"Then a Wilson banner was brought into the aisle. After that the man who invented the word 'noise' would have been ashamed of himself if he had been present."

"Alfalfa Bill" had touched the first real human note of the convention. He said what was in everybody's mind, even the men who voted for Ryan, and Belmont on Bryan's motion of yesterday. He had the merit, too, of saying it in a sincere and honest way, and not appearing to be playing for effect."

"Alfalfa Bill" is the one man in the convention who can boast of having made an honest demonstration that meant what it seemed to mean."

Nor is the New York Times utterance any the less emphasized by Collier's National Weekly on the Baltimore convention, in which it says discussing Bryan's action as follows:

"The resolution against Belmont, Morgan, Ryan and Chas. F. Murphy was such as to make men so nervous and hateful that now and then lists were flinging. It caused 'Alfalfa Bill' Murray of Tishomingo, Okla., to stand in his chair in a sincere droll of the 'real stuff' say to the convention in a personal, friendly way, but in a voice that caused men to stare silently at the thin stoop-shouldered figure; there is one thing I know—Oklahoma is not going to fellow Tammany Hall."

The star of democracy which had controlled the destiny of the nation for more than 60 years went down in darkness in the Baltimore convention of 1896, resulting in the election of the immortal Lincoln to the presidency. That star rose again at Baltimore in 1912—with Wilson as president it is the fond hope of every reformer of all parties that the principles and policies the work of the great commoner for the past sixteen years, will endure and reconstruct these United States upon a broad and high plateau of the people's best wishes uncontaminated by combination of big business, bosses and political machines; and for a half century continue in an unbroken line to guide the destiny of the Republic.

WEST AND RILEY IN A CLASH

Secretary of Election Board Stands By Saturday's Decision—Will Brook No Interference.

Muskogee, Okla., July 24.—If a man registering as an independent gets to vote at the primaries to be held August 6 in Muskogee county and elsewhere, he will have to do so with the aid of the courts of the state. Secretary Ben Riley of the state board of elections today not only reiterated his opinion of last Saturday which was to the effect that independents could not vote at the primaries, but in clear and emphatic language he has thrown down the gauntlet to Attorney General West who takes a different view of the matter, and in concise language he informs the attorney general that when the state election board wants an opinion as to the law on primary elections and registration it knows where to go for the opinion and in the meantime it is suggested to Mr. West that he mind his own business.

In a long distance conversation with Secretary Montgomery of the Muskogee county election board, and which was afterwards repeated to the Times-Democrat, Mr. Riley defines his position as follows:

CIGARETTES CAUSE FIRE AT SAPULPA

\$3,000 Loss Incurred When Some Small Boys Set Barn on Fire Sunday.

Sapulpa, Okla., July 22.—Some boys smoking cigarettes in a barn loft filled with ten tons of sheaf oats caused a loss of \$3,000 here Sunday night. A residence occupied by May Meyer and valued at \$5,000 was badly damaged. A barn owned by James Harris was a total loss, covered by about \$2,000 insurance. Carl McNailey, a fireman, was overcome with smoke and heat and physicians doubt his recovery.

Decision Still Stands.

"I want to go on record as saying that my ruling of last week to the effect that a man must vote at the primaries as he registers and that an independent who registers as such cannot vote at the primaries not only still stands, but I have this day advised election officers in all parts of the state of my ruling. I want it distinctly understood that the election officers are to take their instructions from this office and not to be guided by what Mr. West has to say. The object of the primary election law was to prevent republicans from nominating candidates on the democratic ticket and vice versa. What is the use of having a primary election law if the republicans can agree among themselves to take part in a primary and vote for weak democratic candidates? It would be easy for the republicans to nominate the weakest men on the democratic ticket and then at the general election support the republican ticket. Advice received by me today from Johnson, Alfalfa and other counties where the socialists are strong are to the effect that the socialists have decided to nominate a weak democratic ticket and then try to elect the regular socialists in November. I have wired the election inspectors that if a man registers as a socialist he cannot vote a democratic ticket at the primary, and this goes as to independents and dothens. If Mr. West thinks that he is running the board of elections then he should remove his office, but for the present at least I am giving out the instructions."

Riley's Ruling to Prevail Here.

Mr. Montgomery said that unless he gets some new instructions Mr. Riley's ruling would be the law in Muskogee county and a man will only be allowed to vote at the primaries as he registers. Saturday evening the Times-Democrat published Mr. Riley's opinion as to who would be permitted to vote at the primaries. The opinion as published is similar to the one rendered to the Bartlesville board of elections and was given out by Mr. Riley when he was in Muskogee taking part in the mandamus suit brought by Attorney General West which had as its object the denying of negroes the right to register. Mr. West and Mr. Riley came to Muskogee together and were with one another when Mr. Riley gave the opinion to Secretary Montgomery of the Muskogee county election board. Mr. Riley said that the opinion was the law of the state and by inference at least it was understood that he would be supported by Mr. West.

In a written communication received from Mr. West today, however, the attorney general wants it understood that he does not agree with Secretary Riley of the state election board. In his communication Mr. West writes as follows: "I do not know what Mr. Riley's opinion is, but I do know that mine is quite the contrary of the position stated. I think that when an elector presents himself to vote he, irrespective of past party affiliations, has the right to vote any one ticket that he may call for." Mr. West concludes by saying that there is a misapprehension among the voters and he wants this corrected. Accompanying the letter is a copy of an opinion given to G. W. Lewis, Sr., of Texola in which Mr. West holds that voters are not bound by past party affiliations but are free to participate in any primary.

Muskogee election officers do not dispute with Mr. West over the right of a man to change his politics and they say that he can easily indicate this in cities where he registers. In the country precincts where no registration is necessary a man can vote any ticket he desires on August 6, but in the cities he must vote as he registers unless the courts should decide otherwise.